

Article - Environment

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§5–503.

(a) (1) A person shall obtain, on written application to the Department, a permit from the Department to:

(i) Construct, reconstruct, or repair any reservoir, dam, or waterway obstruction;

(ii) Make, construct, or permit to be made or constructed any change or addition to any reservoir, dam, or waterway obstruction;

(iii) Make or permit to be made any change in, addition to, or repair of any existing waterway obstruction; or

(iv) Change, in any manner, in whole or part the course, current, or cross section of any stream or body of water within the State, except tidal waters.

(2) (i) If by March 1, 1982 a flood management plan for Jones Falls is not prepared and approved and implementation begun under § 5–803 of this title, the Department shall adopt regulations limiting construction, reconstruction, or changes in the course, current, or cross section of the channel and floodplain of the Jones Falls in the Patapsco River watershed until such time as a flood management plan for Jones Falls is prepared, approved, and implemented under Subtitle 8 of this title.

(ii) Regulations adopted pursuant to this paragraph may not apply:

1. To floodproofing of any existing structure; or

2. If use of the Pennington Avenue sanitary landfill site in Baltimore City as a sanitary landfill is terminated by the end of May 1, 1981, to any construction, reconstruction, development, or use of those properties in Baltimore City comprising and known as the Woodberry Quarry sanitary landfill site.

(3) Due to variances in floodplain measurements, a new residential permit for construction in the Jones Falls floodplain within 25 feet adjacent to the floodplain may not be approved or issued until the flood management plan for the Jones Falls is prepared, approved, and implemented under Subtitle 8 of this title.

(4) Regulations adopted by the Department as required under paragraph (2) of this subsection shall be null and void if the Department determines that a flood management plan for the Jones Falls in the Patapsco River has been adopted and implemented.

(b) (1) A person is exempt from the requirement of obtaining a permit from the Department if:

(i) The plans and specifications are approved by the appropriate soil conservation district or the Department's designee;

(ii) The pond is not located within drainage of the Gwynns Falls, Jones Falls, or Herring Run streams situated in or adjacent to Baltimore City;

(iii) The pond meets minimum standards for safety set forth in Department rules and regulations;

(iv) The contributory drainage area is less than 1 square mile (640 acres);

(v) The dam is not greater than 20 feet in height measured vertically from the lowest point on the top of the dam to the lowest point on the upstream toe of the dam;

(vi) The pond is a low hazard structure the failure of which is unlikely to cause loss of life or property damage; and

(vii) The pond is not a wastewater stabilization pond.

(2) The soil conservation district or the Department's designee shall notify the Department of any pond approved under this subsection.

(3) Nothing in this subsection is a limitation on the Department's authority under this subtitle.

(c) (1) The Department, by regulation, may designate interjurisdictional watersheds in which any impoundment proposal is subject to review and approval by the Department for standards relating to safety and flood control.

(2) Gwynns Falls, Jones Falls, and Herring Run, situated in or adjacent to Baltimore City, are designated interjurisdictional watersheds.

(d) The provisions of this section do not restrict or limit the Department's jurisdiction over waste treatment structures, including dams, impoundments, ponds, and lagoons or limit the applicability of any other laws administered by the Department.

(e) Agricultural drainage systems, for the purpose of lowering the level of water in the soil, with a total drainage area of 2,500 acres or less are exempt from the requirement of obtaining a permit from the Department, except that drainage systems financed or managed by a public drainage association are exempt from this requirement only if plans for construction, operation, and maintenance have been approved by the Secretary of Agriculture under § 8-603 of the Agriculture Article.

(f) The periodic maintenance of agricultural drainage systems constructed under the auspices of a public drainage or watershed association is exempt from the requirement of obtaining a permit from the Department if:

(1) The maintenance is performed in accordance with a permit from the Department for the original construction or reconstruction of the drainage system; or

(2) The maintenance is performed in accordance with an operation and maintenance plan approved by the local soil conservation district and the Secretary of Agriculture under § 8-603 of the Agriculture Article.

(g) The removal or demolition of residential structures is exempt from any permit requirement of this section.

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